

ELEVENTH JUDICIAL DISTRICT COURT  
COUNTY OF SAN JUAN  
STATE OF NEW MEXICO

STATE OF NEW MEXICO on the )  
relation of the State Engineer, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
UNITED STATES OF AMERICA et al., )  
 )  
Defendants, )  
 )  
and )  
 )  
 )  
JICARILLA APACHE TRIBE and )  
NAVAJO NATION, )  
 )  
Defendant-Intervenors. )  
\_\_\_\_\_ )

No. 75-184  
SAN JUAN RIVER GENERAL  
STREAM ADJUDICATION

**UNITED STATES' AMENDED SUPPLEMENTAL ANSWER WITH RESPECT  
TO CLAIMS ON BEHALF OF THE UTE MOUNTAIN UTE TRIBE**

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Pursuant to the Court’s August 20, 2004 *Scheduling Order on Indian Water Rights Claims*, at 2, the United States hereby amends the United States’ January 7, 1976 *Supplemental Answer* to provide “a detailed description of all water rights the United States claims on behalf of the Ute Mountain Ute Tribe within the geographic scope of this adjudication.” In addition to the allegations contained in the United States’ July 7, 1975 *Answer*, and the January 7, 1976 *Supplemental Answer*, which are hereby incorporated herein except to the extent expressly amended, the United States further asserts the following claims on behalf of the Ute Mountain Ute Tribe:<sup>1</sup>

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<sup>1</sup> Given the extended periods often encountered between pleading and trial of claims in water adjudications, and the potential for changed circumstances and new evidence, the United States respectfully

1. The Ute Mountain Ute Tribe (“Tribe”) is a federally-recognized Indian Tribe that occupies and exercises sovereign rights over lands set apart for the exclusive use of the Tribe in the San Juan River Basin in New Mexico.

2. As sovereign and trustee for the Tribe, the United States, pursuant to federal law recognized in Winters v. United States, 207 U.S. 564 (1908), and cases following that precedent, claims federal reserved rights to use water consistent with past or present beneficial uses by the Tribe catalogued herein and for specified additional uses necessary to provide a permanent homeland for the Tribe. The owner of each right claimed herein is the United States as Trustee for the Tribe. Amending the assertion of priority date contained in Paragraph 2 of the January 7, 1976 *Supplemental Answer*, consistent with the subsequent decision in New Mexico ex. rel State Engineer v. Lewis, 116 N.M. 194, 203, 861 P.2d 235, 244 (N.M. App. 1993), the United States asserts that the priority date for all rights claimed herein for the Tribe is March 2, 1868, the date of the Treaty between the United States and the Ute Tribes.

3. For purposes of quantification, and compliance with Paragraph 1 of the Court’s August 20, 2004 Order, the United States provides herein for each water right claimed, subject to the practical caveats stated in paragraphs 6 & 7, *infra*, a description of any point and means of diversion serving the claimed water use, a description of the source of water, the purpose of use, and the place of the water use. However, these factors are not elements of the Tribe’s water rights under federal law and do not limit the uses that the Tribe may make of its water rights, once adjudicated. See Arizona v. California, 439 U.S. 419, 422 (1979); Colville Confederated Tribes v. Walton,

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reserves the right to submit further amended and supplemental pleadings as permitted by Rule 1-015, NMRA.

752 F.2d 397, 404-05 (9<sup>th</sup> Cir. 1985); United States v. Washington, 375 F. Supp. 2d 1050, 1070 (W.D. Wash. 2005) (“Once the water rights of the [tribe] have been quantified, the water may be used for any purpose, including domestic, commercial, and industrial purposes.”); New Mexico ex rel. State Engineer v. Aamodt, No. 66cv6639, slip op. at 3 (D.N.M. Dec. 1, 1986).

4. Northing (X) and Easting (Y) coordinates provided herein, and in the accompanying tables, for each identified water use feature are New Mexico State Plane Coordinates, West Zone, 1983 North American Datum (“NAD”) feet.

### ***Impoundments***

5. The Ute Mountain Ute Tribe is using, or has used in the past, for the indicated purposes, the impoundments described in the attached Table 1. The United States claims for the benefit of the Ute Mountain Ute Tribe the right to maintain each impoundment at its described location and dimensions, and to fill each impoundment to its full capacity whenever the stated source of supply is available, and to use the impounded water for the identified purposes. In addition, subject to the total quantity of rights asserted herein, the United States claims for the benefit of the Ute Mountain Ute Tribe a federal reserved right to enlarge or deepen existing impoundments and create such new impoundments as may be necessary to meet the livestock-watering, sewage treatment, irrigation, and other needs of a permanent Ute Mountain Ute homeland.

### ***Wells and Springs***

6. As is the case throughout the San Juan River Stream System, metering data or other evidence concerning the quantities of past or present diversions from specific wells or springs on Ute Mountain Ute Tribal lands is seldom available. In

addition, evidence of specific per-well or per-spring diversions for rights reserved by the United States, but not yet exercised, is inherently impossible to obtain. Moreover, the United States asserts that federal reserved water rights of the Ute Mountain Ute Tribe necessarily incorporate the right to establish new points of diversion as needed to meet the needs of a permanent homeland.

7. Accordingly, the quantity of water sought to be judicially recognized for livestock and wildlife watering uses must be based on the estimated livestock carrying capacity of the land or information about numbers of livestock historically maintained on the land, and the future domestic, commercial, municipal, and industrial (“DCMI”) uses of the Ute Mountain Ute Tribe must be estimated by use of demographic and economic data. Such estimated quantities cannot be meaningfully divided into specific amounts assigned to precisely identified points of diversion. The United States will, instead, provide location information about all past and present points of diversion serving livestock and wildlife watering uses, and maps showing proposed locations for wells to supply the estimated future uses claimed herein.

### **Historic and Existing Wells and Springs**

8. The Ute Mountain Ute Tribe has in the past used, or is at present using, for the indicated purposes, the wells identified in Table 2. The United States claims for the benefit of the Ute Mountain Ute Tribe the right to maintain each such well at its described location, to deepen or replace each well as may be necessary to preserve its utility, and to use groundwater diverted by means of such wells for the indicated purposes, or any other purposes chosen within the sole discretion of the Ute Mountain Ute Tribe. In addition, subject to the total quantity of rights asserted herein, the United

States claims for the benefit of the Ute Mountain Ute Tribe a federal reserved right to create such new wells as may be necessary to meet the needs of a permanent Ute Mountain Ute homeland.

9. Based on livestock carrying capacity estimates derived from information published by the New Mexico Department of Agriculture, and the historic grazing practices of the Tribe, the United States claims for the benefit of the Ute Mountain Ute Tribe the right to divert and deplete for livestock purposes a total of 27 acre feet per year, or an average of 1 acre feet per year as the livestock watering component of the total right from each of the 27 wells with a claimed livestock use.<sup>2</sup> The United States asserts, however, that the Ute Mountain Ute Tribe has the right to allocate this right among wells as it deems necessary to meet the needs of a permanent Ute Mountain Ute homeland.

10. The Ute Mountain Ute Tribe has in the past used, or is at present using, for the indicated purposes, the springs identified in Table 3. The United States claims for the benefit of the Ute Mountain Ute Tribe the right to utilize and enjoy the flow of each such spring at its described location, to make improvements, such as constructing spring boxes or pipe collection systems, as may be necessary to preserve each spring's utility, and to use water diverted from such springs for the indicated purposes, or any other purposes chosen within the sole discretion of the Ute Mountain Ute Tribe.

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<sup>2</sup> Elsewhere in New Mexico, Plaintiff State of New Mexico ex rel. State Engineer ("State") presumes that quantities of water determined to have been beneficially used for livestock purposes should be allocated entirely to wells having a surveyed livestock purpose of use, with no deduction for unknowable and variable quantities that livestock may have consumed from ponds or springs on the defendants' property. The United States claims the benefit of that same presumption on behalf of the Ute Mountain Ute Tribe.

## **Additional Wells Necessary to Supply Federal Reserved Rights**

11. Based on an analysis of demographic and economic data, the United States claims for the benefit of the Ute Mountain Ute Indian Tribe a federal reserved right to divert and deplete from groundwater sources the following quantities of water:

- For Domestic purposes, a diversion of 470 acre-feet per year with a depletion of 141 acre-feet per year;
- For Commercial purposes, a diversion of 610 acre-feet per year with a depletion of 61 acre-feet per year; and
- For Industrial (including mining, hydrocarbon production, and electrical power production) purposes, a diversion and depletion of 9,870 acre-feet per year.

Proposed points of diversion for these Domestic, Commercial, and electrical power production uses are indicated on Maps 1-3 attached hereto. Points of diversion for mining and hydrocarbon production uses will vary over time, and may be any of the wells identified in Table 2 or Maps 1-3, depending on the location of the mining and hydrocarbon production activity.

Respectfully submitted, this 28<sup>th</sup> day of September 2007.



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COUNSEL FOR THE UNITED STATES

**Table 1. Impoundments on Ute Mountain Ute Lands**

Impoundment Identifier*	Point of Diversion		Maximum pool area (acres)	Depth (feet)	Capacity (acre-feet)	Purpose of Use	Source of Water
	Northing	Easting					
UMUPF0001	2,175,291	2,524,464	2.34	10.1	14.2	Livestock and wildlife watering	Unnamed tributary to Salt Canyon
UMUPF0002	2,175,601	2,520,451	0.58	1.5	0.5	Livestock and wildlife watering	Unnamed tributary to Salt Canyon
UMUPF0003	2,176,776	2,518,386	0.36	8.8	1.9	Livestock and wildlife watering	Unnamed tributary to Salt Canyon
UMUPF0004	2,170,705	2,519,983	0.94	5.7	3.2	Livestock and wildlife watering	Unnamed tributary to Salt Canyon
UMUPF0005	2,169,051	2,521,948	0.44	7.4	2.0	Livestock and wildlife watering	Unnamed tributary to Salt Canyon
UMUPF0006	2,169,096	2,521,490	0.29	6.0	1.0	Livestock and wildlife watering	Unnamed tributary to Salt Canyon
UMUPF0007	2,163,925	2,521,339	0.04	2.6	0.1	Livestock and wildlife watering	Unnamed tributary to Salt Canyon
UMUPF0008	2,162,477	2,523,702	0.03	3.0	0.1	Livestock and wildlife watering	Unnamed tributary to Rocky Canyon
UMUPF0009	2,160,341	2,523,938	0.61	7.7	2.8	Livestock and wildlife watering	Unnamed tributary to Rocky Canyon
UMUPF0010	2,159,689	2,525,989	0.42	9.7	2.4	Livestock and wildlife watering	Unnamed tributary to Rocky Canyon
UMUPF0011	2,155,876	2,527,043	0.38	4.0	0.9	Livestock and wildlife watering	Unnamed tributary to Rocky Canyon
UMUPF0012	2,154,639	2,521,882	0.21	3.8	0.5	Livestock and wildlife watering	Unnamed tributary to Rocky Canyon
UMUPF0013	2,154,946	2,521,883	0.21	5.0	0.6	Livestock and wildlife watering	Unnamed tributary to Rocky Canyon

Impoundment Identifier*	Point of Diversion		Maximum pool area (acres)	Depth (feet)	Capacity (acre-feet)	Purpose of Use	Source of Water
	Northing	Easting					
UMUPF0014	2,177,857	2,526,244	0.26	5.4	0.8	Livestock and wildlife watering	Unnamed tributary to North Salt Canyon
UMUPF0015	2,175,397	2,537,212	0.14	4.0	0.3	Livestock and wildlife watering	Unnamed tributary to Salt Canyon
UMUPF0016	2,174,371	2,536,258	1.77	11.9	12.6	Livestock and wildlife watering	Salt Canyon
UMUPF0017	2,174,042	2,531,038	0.03	2.9	0.1	Livestock and wildlife watering	Unnamed tributary to Salt Canyon
UMUPF0018	2,175,433	2,528,490	0.39	6.4	1.5	Livestock and wildlife watering	Unnamed tributary to Salt Canyon
UMUPF0019	2,163,297	2,535,635	0.18	6.2	0.7	Livestock and wildlife watering	Unnamed tributary to Salt Canyon
UMUPF0020	2,163,469	2,538,751	0.77	7.4	3.4	Livestock and wildlife watering	Unnamed tributary to Straight Canyon
UMUPF0021	2,172,101	2,550,281	0.68	5.4	2.2	Livestock and wildlife watering	Unnamed tributary of Straight Canyon
UMUPF0022	2,179,976	2,567,521	0.10	3.2	0.2	Livestock and wildlife watering	Unnamed tributary of Middle Canyon
UMUPF0023	2,174,473	2,568,670	0.06	2.3	0.1	Livestock and wildlife watering	Unnamed tributary of Middle Canyon and well UMUWF0004
UMUPF0024	2,171,312	2,569,980	0.06	3.3	0.1	Livestock and wildlife watering	Unnamed tributary of Middle Canyon
UMUPF0025	2,169,594	2,571,334	0.10	3.2	0.2	Livestock and wildlife watering	Unnamed tributary of Middle Canyon
UMUPF0026	2,169,744	2,570,495	0.14	5.5	0.5	Livestock and wildlife watering	Unnamed tributary of Middle Canyon

Impoundment Identifier*	Point of Diversion		Maximum pool area (acres)	Depth (feet)	Capacity (acre-feet)	Purpose of Use	Source of Water
	Northing	Easting					
UMUPF0027	2,181,156	2,570,997	0.82	7.4	3.6	Livestock and wildlife watering	Unnamed tributary of Barker Arroyo
UMUPF0028	2,179,868	2,574,700	0.45	8.4	2.3	Livestock and wildlife watering	Unnamed tributary of Barker Arroyo
UMUPF0029	2,176,305	2,577,327	6.41	14.6	56.2	Livestock and wildlife watering	Unnamed tributary of Barker Arroyo
UMUPF0030	2,173,394	2,578,997	3.29	13.5	26.6	Livestock and wildlife watering	Barker Arroyo
UMUPF0031	2,165,986	2,586,179	2.44	6.8	10.0	Livestock and wildlife watering	Unnamed tributary of Barker Arroyo
UMUPF0032	2,152,963	2,527,395	0.49	5.7	1.7	Livestock and wildlife watering	Unnamed tributary of Standing Tree Canyon
UMUPF0033	2,147,946	2,529,888	2.99	10.8	19.4	Livestock and wildlife watering	Unnamed tributary of Eagle Nest Arroyo
UMUPF0034	2,530,145	2,530,145	0.10	3.7	0.2	Livestock and wildlife watering	Unnamed tributary of Eagle Nest Arroyo
UMUPF0035	2,148,088	2,532,608	0.72	4.9	2.1	Livestock and wildlife watering	Unnamed tributary of Eagle Nest Arroyo
UMUPF0036	2,140,019	2,532,213	0.07	3.3	0.1	Livestock and wildlife watering	Unnamed tributary of Eagle Nest Arroyo and well UMUWF0013
UMUPF0037	2,138,123	2,525,855	3.68	9.6	21.2	Livestock and wildlife watering	Eagle Nest Arroyo
UMUPF0038	2,132,753	2,521,285	0.37	5.7	1.3	Livestock and wildlife watering	Unnamed tributary of Eagle Nest Arroyo
UMUPF0039	2,165,292	2,548,983	7.02	16.0	67.4	Livestock and wildlife watering	Straight Canyon

Impoundment Identifier*	Point of Diversion		Maximum pool area (acres)	Depth (feet)	Capacity (acre-feet)	Purpose of Use	Source of Water
	Northing	Easting					
UMUPF0040	2,158,733	2,552,851	2.92	16.0	28.0	Livestock and wildlife watering	Unnamed tributary to Straight Canyon
UMUPF0041	2,170,914	2,556,043	1.17	8.0	5.6	Livestock and wildlife watering	Middle Canyon
UMUPF0043	2,148,715	2,556,486	1.10	10.0	6.6	Livestock and wildlife watering	Unnamed tributary to Straight Canyon
UMUPF0044	2,145,692	2,554,065	1.92	12.0	13.8	Livestock and wildlife watering	Cottonwood Canyon
UMUPF0046	2,134,848	2,530,007	1.69	12.5	12.7	Livestock and wildlife watering	Unnamed tributary to Eagle Nest Arroyo
UMUPF0047	2,134,029	2,535,881	0.30	4.0	0.7	Livestock and wildlife watering	Unnamed tributary to Westwater Arroyo
UMUPF0048	2,144,900	2,537,270	1.87	6.3	7.1	Livestock and wildlife watering	Unnamed tributary to Westwater Arroyo
UMUPF0049	2,145,705	2,536,518	1.47	2.1	1.9	Livestock and wildlife watering	Unnamed tributary to Westwater Arroyo
UMUPF0050	2,144,661	2,540,265	0.31	3.9	0.7	Livestock and wildlife watering	Unnamed tributary to Westwater Arroyo
UMUPF0051	2,142,272	2,543,525	0.27	2.7	0.4	Livestock and wildlife watering	Unnamed tributary to Westwater Arroyo
UMUPF0052	2,140,145	2,542,679	0.34	5.6	1.1	Livestock and wildlife watering	Unnamed tributary to Westwater Arroyo
UMUPF0053	2,142,279	2,538,174	0.35	6.9	1.4	Livestock and wildlife watering	Unnamed tributary to Westwater Arroyo

Impoundment Identifier*	Point of Diversion		Maximum pool area (acres)	Depth (feet)	Capacity (acre-feet)	Purpose of Use	Source of Water
	Northing	Easting					
UMUPF0054	2,141,678	2,537,586	0.60	5.7	2.1	Livestock and wildlife watering	Unnamed tributary to Westwater Arroyo
UMUPF0055	2,137,473	2,537,131	0.34	7.0	1.4	Livestock and wildlife watering	Unnamed tributary to Westwater Arroyo
UMUPF0057	2,130,034	2,537,131	0.27	6.0	1.0	Livestock and wildlife watering	Unnamed tributary to Westwater Arroyo
UMUPF0058	2,131,391	2,551,010	6.66	15.8	63.1	Livestock and wildlife watering	Unnamed tributary to Westwater Arroyo
UMUPF0059	2,140,587	2,561,666	0.50	7.3	2.2	Livestock and wildlife watering	Unnamed tributary to Cottonwood Canyon
UMUPF0060	2,140,898	2,562,590	0.18	4.0	0.4	Livestock and wildlife watering	Unnamed tributary to Cottonwood Canyon
UMUPF0061	2,144,119	2,560,147	0.47	9.7	2.7	Livestock and wildlife watering	Unnamed tributary to Cottonwood Canyon
UMUPF0062	2,144,432	2,569,828	0.10	5.6	0.3	Livestock and wildlife watering	Unnamed tributary to Navajo Canyon
UMUPF0063	2,144,253	2,578,278	0.03	2.3	0.04	Livestock and wildlife watering	Unnamed tributary to Ute Canyon and well UMUWF0020
UMUPF0064	2,144,052	2,576,646	3.27	11.7	23.0	Livestock and wildlife watering	Unnamed tributary to Ute Canyon
UMUPF0065	2,144,393	2,576,306	0.16	6.4	0.6	Livestock and wildlife watering	Unnamed tributary to Ute Canyon

Impoundment Identifier*	Point of Diversion		Maximum pool area (acres)	Depth (feet)	Capacity (acre-feet)	Purpose of Use	Source of Water
	Northing	Easting					
UMUPF0066	2,146,708	2,592,745	0.04	3.8	0.1	Livestock and wildlife watering	Unnamed tributary to Fourmile Wash and well UMUWF0023
UMUPF0067	2,145,881	2,594,309	0.30	6.1	1.1	Livestock and wildlife watering	Fourmile Wash
UMUPF0068	2,131,643	2,580,216	3.96	5.2	12.4	Livestock and wildlife watering	Unnamed tributary to Narrows Wash
UMUPF0069	2,130,700	2,570,050	0.14	4.8	0.4	Livestock and wildlife watering	Unnamed tributary to Fourmile Wash
UMUPF0070	2,137,337	2,575,740	4.30	9.4	24.3	Livestock and wildlife watering	Unnamed tributary to Fourmile Wash
UMUPF0071	2,136,793	2,578,350	0.23	2.5	0.3	Livestock and wildlife watering	Unnamed tributary to Fourmile Wash
UMUPF0072	2,135,037	2,581,222	1.13	3.0	2.0	Livestock and wildlife watering	Unnamed tributary to Fourmile Wash
UMUPF0073	2,134,280	2,595,628	0.03	3.5	0.1	Livestock and wildlife watering	Unnamed tributary to Narrows Wash and well UMUWF0025
UMUPF0074	2,134,383	2,595,709	0.05	2.5	0.1	Livestock and wildlife watering	Unnamed tributary to Narrows Wash and well UMUWF0025
UMUPF0075	2,152,247	2,593,989	0.20	8.0	1.0	Livestock and wildlife watering	Unnamed tributary to lower Barker Arroyo
UMUPF0076	2,152,607	2,594,036	0.24	12.5	1.8	Livestock and wildlife watering	Unnamed tributary to lower Barker Arroyo
UMUPF0077	2,164,272	2,574,721	0.19	8.4	1.0	Livestock and wildlife watering	Unnamed tributary to Ute Canyon

Impoundment Identifier*	Point of Diversion		Maximum pool area (acres)	Depth (feet)	Capacity (acre-feet)	Purpose of Use	Source of Water
	Northing	Easting					
UMUPF0078	2,161,781	2,573,141	0.69	10.8	4.5	Livestock and wildlife watering	Unnamed tributary to Ute Canyon
UMUPF0079	2,165,567	2,587,024	2.49	10.1	15.1	Livestock and wildlife watering	Unnamed tributary to Barker Arroyo
UMUPF0080	2,153,383	2,565,318	3.02	6.7	12.1	Livestock and wildlife watering	Picket Canyon
UMUPF0081	2,147,805	2,566,597	0.37	7.6	1.7	Livestock and wildlife watering	Unamed tributary to Barker Arroyo
UMUPF0082	2,165,272	2,588,211	0.98	4.6	2.7	Livestock and wildlife watering	Unamed tributary to Barker Arroyo
UMUPF0083	2,159,207	2,592,237	0.12	2.9	0.2	Livestock and wildlife watering	Unamed tributary to Navajo Canyon
UMUPF0084	2,149,123	2,593,624	0.73	12.4	5.4	Livestock and wildlife watering	Unamed tributary to Barker Arroyo
UMUPF0085	2,151,681	2,598,384	1.25	10.6	8.0	Livestock and wildlife watering	Unamed tributary to Barker Arroyo
UMUPF0086	2,146,235	2,591,828	0.09	7.5	0.4	Livestock and wildlife watering	Unamed tributary to Four-Mile Wash
UMUPF0087	2,146,032	2,591,576	0.10	7.1	0.4	Livestock and wildlife watering	Unamed tributary to Four-Mile Wash
UMUPF0088	2,144,971	2,590,302	0.11	9.3	0.6	Livestock and wildlife watering	Unamed tributary to Four-Mile Wash
UMUPF0089	2,145,352	2,587,520	8.50	20.6	105.1	Livestock and wildlife watering	Fourmile Wash
UMUPF0090	2,135,259	2,585,896	0.16	6.7	0.6	Livestock and wildlife watering	Unamed tributary to Narrows Wash
UMUPF0091	2,135,872	2,588,100	0.45	6.5	1.8	Livestock and wildlife watering	Unamed tributary to Narrows Wash

Impoundment Identifier*	Point of Diversion		Maximum pool area (acres)	Depth (feet)	Capacity (acre-feet)	Purpose of Use	Source of Water
	Northing	Easting					
UMUPF0092	2,135,104	2,591,675	1.19	4.5	3.2	Livestock and wildlife watering	Narrow Wash
UMUPF0093	2,135,248	2,592,401	0.30	2.0	0.4	Livestock and wildlife watering	Narrow Wash
UMUPF0094	2,133,201	2,598,487	0.02	1.8	0.02	Livestock and wildlife watering	Unnamed tributary to Narrows Wash and well UMUWF0026
UMUPF0095	2,135,594	2,595,446	38.13	12.8	292.8	Livestock and wildlife watering	Unnamed tributary to Narrows Wash
UMUPF0096	2,139,585	2,597,577	2.98	6.8	12.2	Livestock and wildlife watering	Narrows Wash
UMUPF0097	2,141,731	2,598,917	0.08	3.6	0.2	Livestock and wildlife watering	Unnamed tributary to Narrows Wash
UMUPF0098	2,182,248	2,591,044	0.18	2.8	0.3	Livestock and wildlife watering	Unnamed tributary to Barker Arroyo
UMUPF0099	2,164,661	2,535,758	0.30	5.7	1.0	Livestock and wildlife watering	Unnamed tributary to Salt Canyon
UMUPF0100	2,129,958	2,589,913	0.14	1.4	0.1	Livestock and wildlife watering	Unnamed tributary to Narrows Wash
UMUPF0101	2,130,157	2,589,877	0.05	1.7	0.1	Livestock and wildlife watering	Unnamed tributary to Narrows Wash
UMUPF0102	2,143,783	2,595,599	0.02	2.5	0.03	Livestock and wildlife watering	Unnamed tributary to Narrows Wash and well UMUWF0028
UMUPF0103	2,139,537	2,593,116	0.54	6.1	2.0	Livestock and wildlife watering	Unnamed tributary to Narrows Wash
UMUPF0104	2,129,787	2,568,917	0.21	4.3	0.5	Livestock and wildlife watering	Unnamed tributary to Fourmile Wash

Impoundment Identifier*	Point of Diversion		Maximum pool area (acres)	Depth (feet)	Capacity (acre-feet)	Purpose of Use	Source of Water
	Northing	Easting					
UMUPF0105	2,147,857	2,556,269	0.97	6.7	3.9	Livestock and wildlife watering	Unnamed tributary to Cottonwood Canyon
UMUPF0106	2,155,052	2,554,053	0.32	13.9	2.7	Livestock and wildlife watering	Unnamed tributary to Straight Canyon
UMUPF0108	2,143,454	2,551,338	0.02	4.5	0.1	Livestock and wildlife watering	Unnamed tributary to Shumway Arroyo and well UMUWF0030
UMUPF0109	2,150,002	2,548,366	2.77	5.5	9.1	Livestock and wildlife watering	Cottonwood Canyon
UMUPF0110	2,140,202	2,542,570	0.17	4.7	0.5	Livestock and wildlife watering	Unnamed tributary to Westwater Arroyo
UMUPF0111	2,158,720	2,535,341	0.15	3.2	0.3	Livestock and wildlife watering	Unnamed tributary to Cottonwood Canyon
UMUPF0112	2,162,182	2,539,733	0.17	6.3	0.6	Livestock and wildlife watering	Unnamed tributary to Straight Canyon
UMUPF0113	2,162,858	2,539,680	0.19	3.8	0.4	Livestock and wildlife watering	Unnamed tributary to Straight Canyon
UMUPF0114	2,173,650	2,551,153	0.09	3.7	0.2	Livestock and wildlife watering	Unnamed tributary to Salt Canyon
UMUPF0115	2,170,045	2,542,291	0.11	4.0	0.3	Livestock and wildlife watering	Unnamed tributary to Straight Canyon
UMUPF0116	2,178,342	2,552,240	0.54	6.2	2.0	Livestock and wildlife watering	Unnamed tributary to Salt Canyon
UMUPF0117	2,179,792	2,552,587	0.34	6.6	1.3	Livestock and wildlife watering	Unnamed tributary to Salt Canyon

Impoundment Identifier*	Point of Diversion		Maximum pool area (acres)	Depth (feet)	Capacity (acre-feet)	Purpose of Use	Source of Water
	Northing	Easting					
UMUPF0118	2,182,173	2,564,656	1.32	8.0	6.3	Livestock and wildlife watering	Unnamed tributary to Middle Canyon
UMUPF0119	2,179,195	2,566,309	0.60	8.2	3.0	Livestock and wildlife watering	Unnamed tributary to Middle Canyon
UMUPF0120	2,170,981	2,569,360	0.24	5.0	0.7	Livestock and wildlife watering	Unnamed tributary to Middle Canyon
UMUPF0121	2,130,885	2,557,795	0.17	4.6	0.5	Livestock and wildlife watering	Unnamed tributary to Fourmile Wash
UMUPF0122	2,129,937	2,541,929	0.14	1.6	0.1	Livestock and wildlife watering	Unnamed tributary to Westwater Arroyo and well UMUWF0018
UMUPF0123	2,130,147	2,518,145	0.14	4.6	0.4	Livestock and wildlife watering	Unamed tributary to Eagle Nest Arroyo
UMUPF0124	2,137,964	2,591,259	0.01	6.8	0.04	Livestock and wildlife watering	Unnamed tributary to Narrows Wash and well UMUWF0029
UMUPF0125	2,136,218	2,590,179	1.65	2.7	2.7	Livestock and wildlife watering	Unnamed tributary to Narrows Wash
UMUPF0127	2,176,798	2,576,798	0.08	5.1	0.2	Livestock and wildlife watering	Unamed tributary to Barker Arroyo
UMUPF0128	2,176,681	2,576,379	0.14	5.4	0.5	Livestock and wildlife watering	Unamed tributary to Barker Arroyo
UMUPF0129	2,176,566	2,576,549	0.07	4.7	0.2	Livestock and wildlife watering	Unamed tributary to Barker Arroyo
UMUPF0130	2,141,935	2,578,893	0.37	5.0	1.1	Livestock and wildlife watering	Unnamed tributary to Fourmile Wash

Impoundment Identifier*	Point of Diversion		Maximum pool area (acres)	Depth (feet)	Capacity (acre-feet)	Purpose of Use	Source of Water
	Northing	Easting					
UMUPF0131	2,137,862	2,558,905	0.21	6.6	0.8	Livestock and wildlife watering	Unnamed tributary to Cottonwood Canyon
UMUPF0132	2,163,055	2,519,126	0.53	6.0	1.9	Livestock and wildlife watering	Unnamed tributary to Salt Canyon
UMUPF0133	2,161,546	2,523,006	0.01	1.8	0.01	Livestock and wildlife watering	Unnamed tributary to Rocky Canyon and well UMUWF0001
UMUPF0134	2,132,263	2,520,458	0.10	4.2	0.3	Livestock and wildlife watering	Unnamed tributary to Eagle Nest Arroyo
UMUPF0135	2,133,047	2,535,631	0.19	5.9	0.7	Livestock and wildlife watering	Unnamed tributary to Westwater Arroyo
UMUPF0136	2,133,362	2,535,528	0.20	4.7	0.6	Livestock and wildlife watering	Unnamed tributary to Westwater Arroyo
UMUPF0137	2,134,055	2,534,968	0.14	4.5	0.4	Livestock and wildlife watering	Unnamed tributary to Westwater Arroyo
UMUPF0138	2,162,688	2,523,925	0.03	3.5	0.1	Livestock and wildlife watering	Unnamed tributary to Rocky Canyon
UMUPF0139	2,155,213	2,553,817	0.08	3.6	0.2	Livestock and wildlife watering	Unnamed tributary to Straight Canyon
UMUPF0140	2,142,691	2,565,069	0.37	4.1	0.9	Livestock and wildlife watering	Unnamed tributary to Navajo Canyon

\*These Impoundment Identifier numbers are intentionally omitted: UMUPF0042, UMUPF0045, UMUPF0056, UMUPF0107 and UMUPF0126

**Table 2. Wells on the Ute Mountain Ute Lands**

Well Identifier *	Well Name (if any)	Location		Purpose of Use
		Northing	Easting	
UMUWF0001		2,161,764	2,522,991	Livestock & Wildlife
UMUWF0002		2,154,283	2,522,330	Livestock & Wildlife
UMUWF0004		2,174,390	2,568,709	Livestock & Wildlife
UMUWF0006		2,178,793	2,575,895	Livestock & Wildlife
UMUWF0007	Barker Farm & Ranch - Propane	2,174,338	2,578,094	Livestock & Wildlife
UMUWF0008	Middle Barker Windmill	2,173,807	2,578,622	Livestock & Wildlife
UMUWF0010	Westwater North Solar	2,150,071	2,528,412	Livestock & Wildlife
UMUWF0011		2,144,579	2,532,881	Livestock & Wildlife
UMUWF0012		2,142,569	2,531,724	Livestock & Wildlife
UMUWF0013	Westwater South Solar	2,139,964	2,532,327	Livestock & Wildlife
UMUWF0014		2,156,716	2,555,586	Livestock & Wildlife
UMUWF0015		2,156,683	2,555,591	Livestock & Wildlife
UMUWF0016	Westwater Wind	2,132,605	2,531,012	Livestock & Wildlife
UMUWF0018	Blackwater Flowing Well	2,130,073	2,542,083	Livestock & Wildlife
UMUWF0019		2,140,537	2,563,228	Livestock & Wildlife
UMUWF0020	Harry Wall Solar Well	2,144,076	2,578,417	Livestock & Wildlife
UMUWF0021		2,144,022	2,578,439	Livestock & Wildlife
UMUWF0022	Middle Decker Solar	2,142,460	2,585,117	Livestock & Wildlife
UMUWF0023	East Decker New Wind	2,146,884	2,545,884	Livestock & Wildlife
UMUWF0024	Blackwater Solar	2,134,114	2,571,468	Livestock & Wildlife
UMUWF0025	Foxtail Meadows Solar Well	2,134,251	2,595,528	Livestock & Wildlife
UMUWF0026	Foxtail South New Wind 2006	2,132,995	2,598,597	Livestock & Wildlife
UMUWF0027	Foxtail North	2,141,938	2,598,922	Livestock & Wildlife

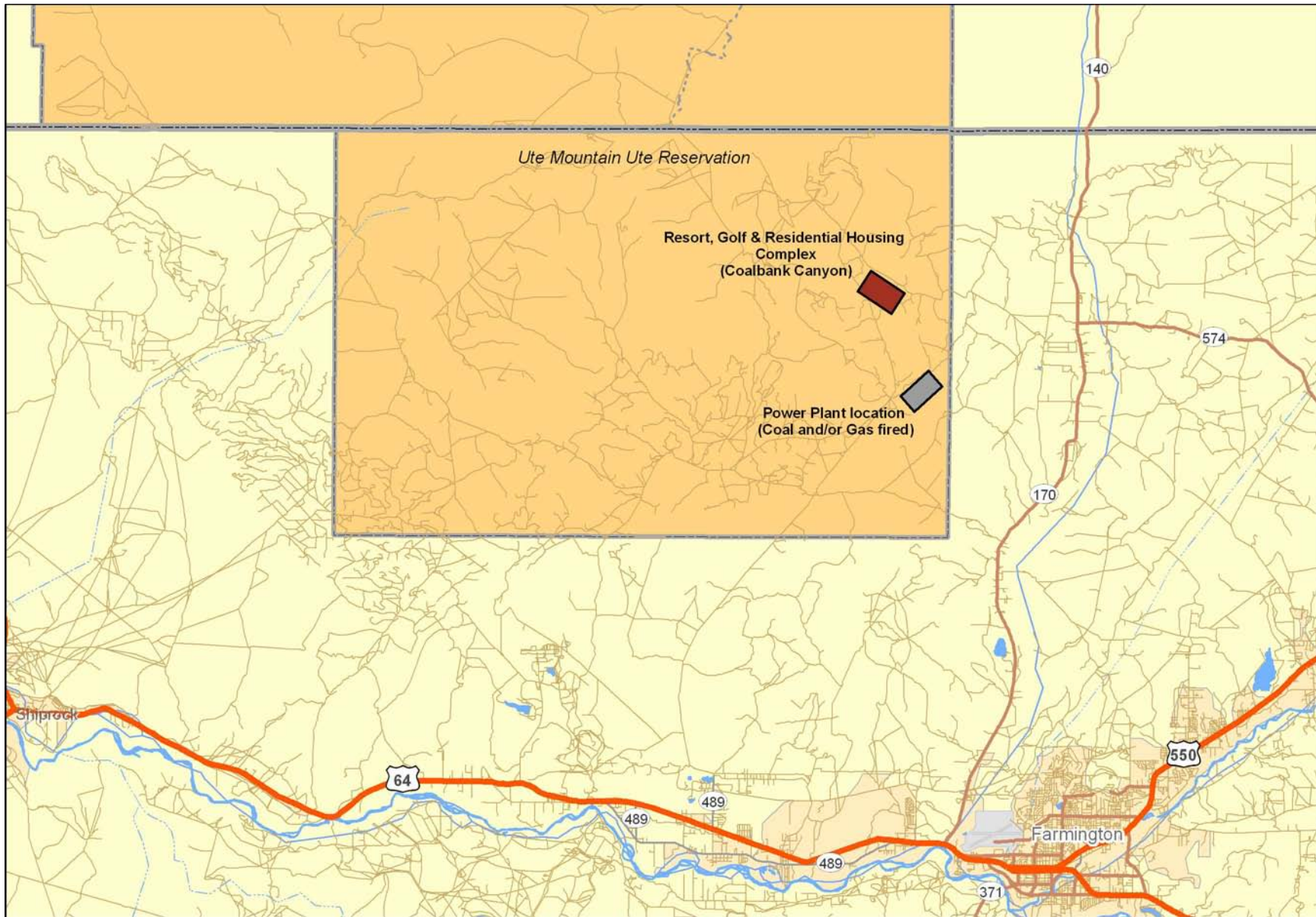
	New			
UMUWF0028	East Decker Solar	2,143,787	2,595,443	Livestock & Wildlife
UMUWF0029		2,137,976	2,591,202	Livestock & Wildlife
UMUWF0030		2,143,417	2,551,214	Livestock & Wildlife
UMUWF0031	Old South Salt Canyon Well	2,163,976	2,521,423	Livestock & Wildlife

\* Well Identifier numbers that are intentionally omitted: UMUWF0003, UMUWF0005, UMUWF0009 and UMUWF0017, UMUWF0032

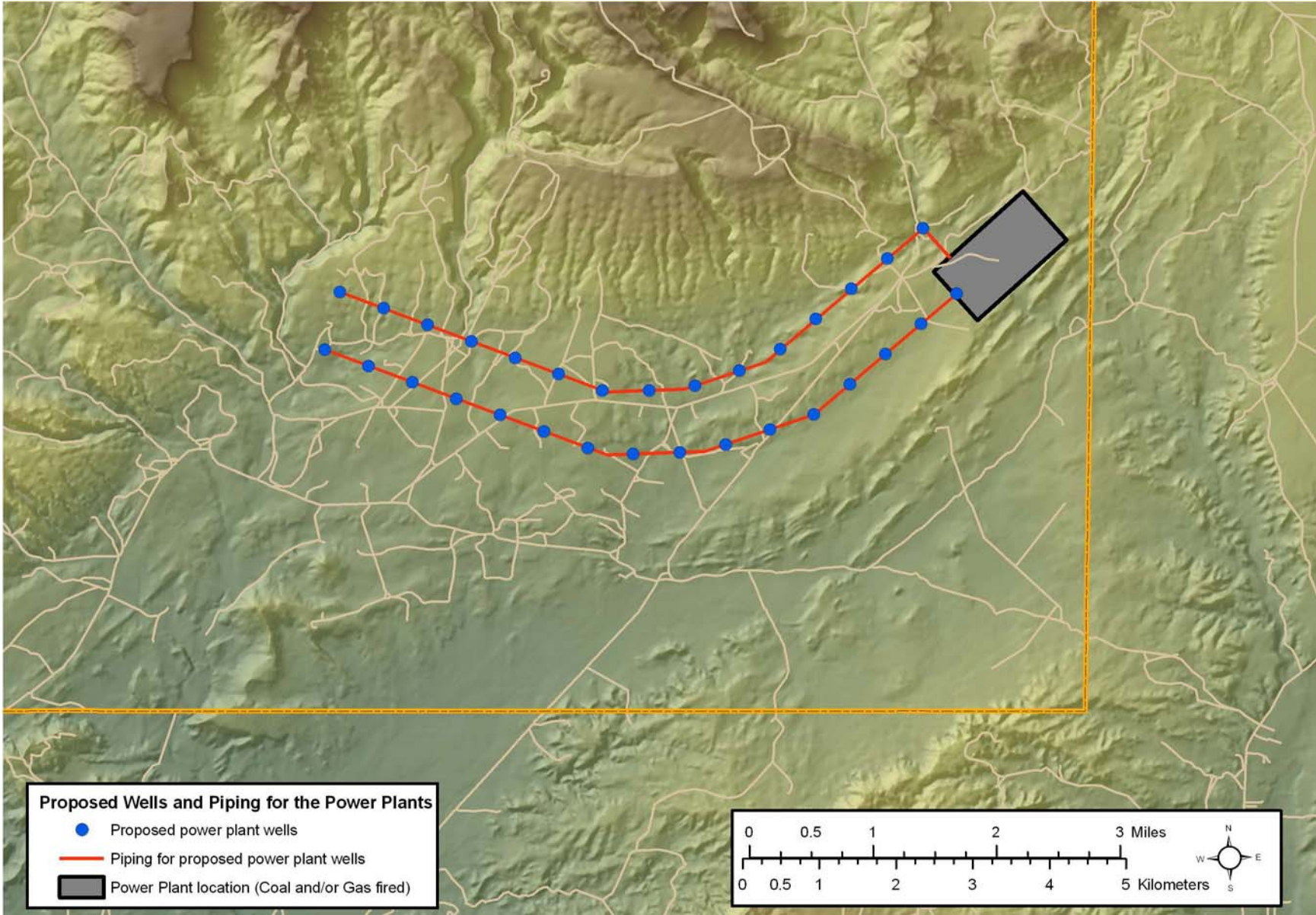
**Table 3. Springs on the Ute Mountain Ute Lands**

<b>Spring Identifier*</b>	<b>Name (if any)</b>	<b>Location</b>		<b>Purpose of Use</b>
		<b>Northing</b>	<b>Easting</b>	
UMUSF0003	Upper Westwater Arroyo	2,140,328	2,542,646	Livestock & Wildlife
UMUSF0004	Black Water	2,134,717	2,540,613	Livestock & Wildlife
UMUSF0006	Cottonwood Spring(s) 1	2,138,225	2,559,093	Livestock & Wildlife
UMUSF0007	Cottonwood Spring	2,138,914	2,559,351	Livestock & Wildlife
UMUSF0008		2,135,823	2,556,239	Livestock & Wildlife
UMUSF0009	Cottonwood Spring(s) 2	2,138,384	2,559,343	Livestock & Wildlife
UMUSF0010	Squaw Spring	2,141,676	2,561,937	Livestock & Wildlife
UMUSF0011	Navajo Spring	2,561,022	2,141,085	Livestock & Wildlife
UMUSF0012		2,139,482	2,560,145	Livestock & Wildlife
UMUSF0013	Cottonwood Spring(s) 3	2,137,980	2,558,868	Livestock & Wildlife
UMUSF0014		2,136,968	2,557,776	Livestock & Wildlife

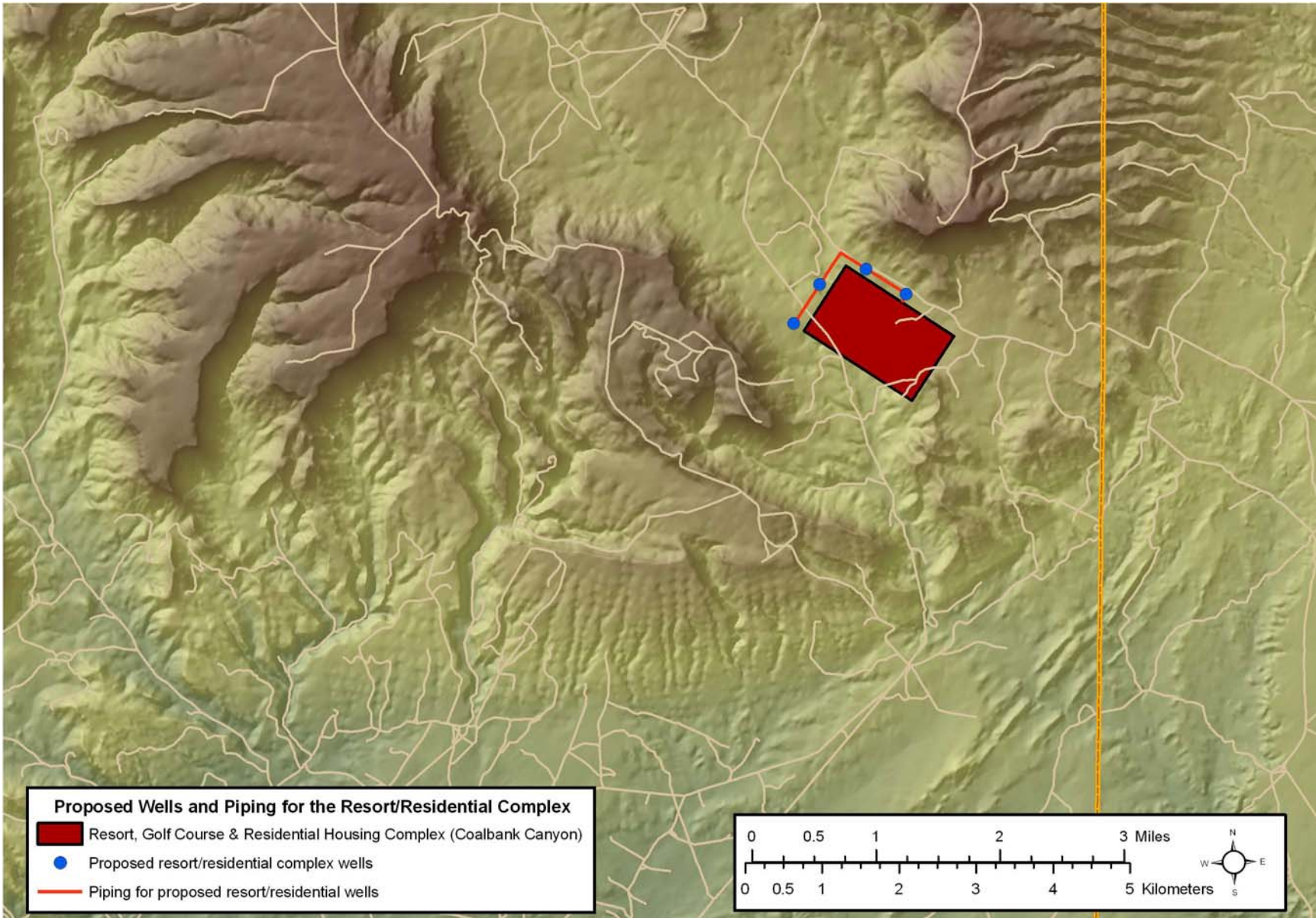
\* Spring indentier numbers intentionally omitted: UMUSF0001, UMUSF0002, and UMUSF0005



**Map 1: General Location**



**Map 2**



**Map 3**

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing *United States' Amended Supplemental Answer With Respect To Claims On Behalf Of The Ute Mountain Ute Tribe* were served on the following attorneys by email sent to wrattorney@11thjdc.com on September 28, 2007:

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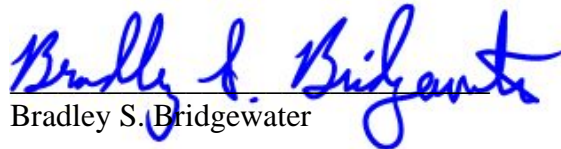
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I further certify that copies of this document were mailed to all attorneys on the attached service list on September 28, 2007.

  
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